THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8416 of 1995

Dated 18-03-2006

Between:

K.Rajaiah & others.

..... PETITIONERS

AND

The Superintending Engineer, (R&B) Regular Circle, Nellore & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No.8416 of 1995

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O R D E R:

The relief sought for in this writ petition is for a direction to the respondents, Superintending Engineer (R&B) and Executive Engineer (R&B), Gudur Division, to reengage the petitioners as NMR's in the R&B Department on the ground that they had put in service of more than 220 days.

In view of the judgment of the Supreme Court in **L.Chandra Kumar v. Union of India**, the petitioners ought to have approached the Andhra Pradesh Administrative Tribunal in the first instance before the jurisdiction of this Court under Article 226 of the Constitution of India could have been invoked.

Learned counsel for the petitioner would submit that this writ petition was filed prior to **L.Chandra Kumar**[1].

The law declared by the Apex Court in **L.Chandra Kumar**[1] mandates that every person aggrieved must approach the Tribunal at the first instance. The declaration of law by the Supreme Court, unlike statutes cannot be said to apply prospectively only from the date of judgment.

The writ petition is accordingly dismissed. Needless to state that this order shall not preclude the petitioners from approaching the Andhra Pradesh Administrative Tribunal for the relief sought for in this writ petition. No order as to costs.

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18-03-2006

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